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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On: 10/16/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. Application of Cassels, et al.

USPN 09/801,784

Filed March 9, 2001

Title: **PEPTIDES FROM A CONSENSUS PEPTIDE OF E. COLI CSF-CFA/I FAMILY PROTEINS**

**AMENDMENT AND RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Response to the Office Action mailed June 10, 2003.

Attached hereto is a Request for Extension of Time accompanied by the appropriate fee.

Claims 1, 2 and 5-7 are under consideration. Claims 3, 4, 8 and 9 are hereby canceled. The applicant retains the right to file on the withdrawn claims at a later time.

All objections to the specification except that under 6(c) of paper 15 have been withdrawn. That objection relates to the requirement of a sequence ID number under 37 C.F.R. 1.821-1.825. It is urged that the sequence ID number has been identified in each case. It is now noted that the sequence ID number was omitted at page 7. An amended page 7 is provided herewith.

### Responses to Rejections:

The examiner has, correctly, indicated the prior amendment to the specification did not, in all instances, indicate the seq. ID number in all instances. The failure to so indicate was at page 7. An amended page 7 is provided herewith. Hence, it is believed the objection recited is rendered moot.

Claim 2 and claims 5-7 dependent thereon have been rejection under 35 U.S.C. 112, second paragraph because of the term "at least one". The claim has been amended. It is believed the rejection as stated is overcome thereby.

Claims 11, 2 and 5-7 have been rejected under 35 U.S.C. 112, first paragraph as containing subject matter which was not described in the specification as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The term "consecutive" was inserted since the examiner wanted the matter clarified in the claims. Attached hereto is a Declaration under Rule 132 by Dr. Norman Leigh Anderson, a respected scientist who has no financial interest in the invention under consideration. He clearly indicates that the term would be understood by one of skill in the art to relate to a consecutive sequence. In fact, over 30 sequences from the parent sequence are identified in the application, and all are consecutive. Hence, not only would the practice of the art make it clearly understood a consecutive sequence is meant, a reading of the application would clearly indicate that inventor meant to teach consecutive

sequences from the sequence ID No. 1. The applicant has now removed the term "consecutive" from the claim and relies on the understanding accorded in the art.

The examiner has also suggested the term "obtained" be inserted in the claim. However, because some might erroneously assume therefrom that the larger sequence be produced in order to obtain the smaller sequence from the larger peptide, that change was not made. The sequence could be prepared by any means.

It is believed the claims are in condition for allowance. If further discussion might be useful in furthering prosecution and allowance of claims, the examiner is invited to call the undersigned at (703) 425-8405.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Glenna Hendricks".

Glenna Hendricks, Reg. No. 32,535